

PLANNING COMMISSION REPORT



MEETING DATE: August 18, 2004

ITEM No. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

William Allen Rezone - 13-ZN-2004

REQUEST

Request to rezone from Single Family Residential (R1-35) to Single Family Residential (R1-10) on a 1 +/- acre parcel located at the 7300 block of E Kalil Drive.

Key Items for Consideration:

- Both the existing zoning and the proposed zoning are consistent with the General Plan Land Use designation.
- This change will allow two homes instead of one.
- The proposed property sizes are consistent with the surrounding lots.
- There are no traffic or other service impacts.

OWNER

William Allen
480-443-9406

APPLICANT CONTACT

Jekel & Howard LLP
Lou Jekel
480-948-7060

LOCATION

7300 block of E Kalil Drive

BACKGROUND

General Plan.

The General Plan Land Use Element designates the property as Suburban Neighborhoods. This category includes medium-lot to small-lot single-family subdivisions with densities between 1 house per acre and 8 houses per acre. This Suburban Neighborhood is an enclave at Cholla Street and Scottsdale Road and serves as a transition from the intersection to the surrounding Rural Neighborhoods to the northeast and southeast. There are Office and Cultural/Institutional land use designations along Scottsdale Road to the south and north respectively.

Zoning.

The site is currently zoned Single Family Residential District (R1-35). The R1-35 zoning district allows for 35,000-square-foot, or larger, residential lot sizes. The residential zoning districts also allow religious facilities and public schools as by-right uses. Ranches and private schools require use permits.



APPLICANT'S
PROPOSAL

Context.

This one-acre property is currently vacant and is surrounded by single-family homes in the R1-10 District. The surrounding lots range between 7,000 square feet and 25,000 square feet in size. The property has access from Kalil Drive, which is a private street owned and maintained by the Scottsdale Sixteen Community Association. The properties immediately to the south were also rezoned from R1-35 to R1-10 in 1994 and subsequently divided into two 20,000 square foot lots.

Goal/Purpose of Request.

This is a request to rezone the property from the R1-35 District to the R1-10 District to develop the site into two single-family residential lots. Access will be from Kalil Drive, to be coordinated with the Scottsdale Sixteen Community Association.

Development information.

- *Existing Use:* Vacant
- *Existing Parcel Size:* 40,990 sq.ft.
- *Density Allowed:* 1 home
- *Density Proposed:* 2 homes
- *Proposed Parcel Sizes:* 20,000 sq.ft. (approximately)

IMPACT ANALYSIS

Density.

Both the existing R1-35 zoning and the proposed R1-10 zoning allow densities consistent with the General Plan. Changing from one 40,000 square foot lot to two 20,000 square foot lots matches 1994 land division of the adjacent property to the south. The 20,000 square foot lots are also consistent with the other surrounding lots, which range between 7,000 square feet and 25,000 square feet.

Traffic.

The traffic impacts associated with the change from one single-family home into two single-family homes are negligible. The developer will be required to improve Kalil Drive in front of the property to match the existing improvements to the east and west. This will need to be coordinated with the Scottsdale Sixteen Community Association.

Water/Sewer.

There do exist water and sewer lines in Kalil Drive that are adequate to serve the site. There are no anticipated water or sewer impacts.

Police/Fire.

Police and fire facilities are located within three miles of this property. Splitting the property for two homes is not anticipated to impact police or fire services.

Schools District comments/review.

Scottsdale Unified School District has been notified of this application and has adequate school facilities to accommodate any additional students generated by the proposed rezoning.

Community Involvement.

The applicant has notified surrounding property owners, held an open house, and met with the community association regarding the proposal. There have been general inquiries and one phone call in opposition to the land division. (See Citizen Involvement attachment #8)

Community Impact.

Both the existing R1-35 zoning and the proposed R1-10 zoning are consistent with the General Plan Land Use designation. The R1-10 District is compatible with the surrounding R1-10 neighborhood, and dividing the property into two smaller lots is consistent with the surrounding lot sizes. The rezoning and land division will not impact traffic or other community services.

STAFF
RECOMMENDATION

Recommended Approach:

Staff recommends approval, subject to the attached stipulations.


RESPONSIBLE
DEPT(S)


Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Tim Curtis
Project Coordination Manager
480-312-4210
E-mail: tcurtis@ScottsdaleAZ.gov

APPROVED BY



Tim Curtis
Report Author

Randy Grant
Chief Planning Officer

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Additional Information
7. Citizen Involvement
8. City Notification Map
9. Site Plan

Case No.: #20-PA-2001
Project: Lot Split/Rezoning
Location: 7300 E. Kalil Drive

Applicant: Lou Jekel
Jekel & Howard, LLP
8283 N. Hayden Road
Suite 100
Scottsdale, AZ 85258-2455

PROJECT NARRATIVE

The request is to split a large residential lot which is currently zoned R1-35 and rezone the two resultant parcels R1-10 to match other lots surrounding this parcel.

This parcel is a remnant "out" parcel left over from prior rezonings which established the Sterling Place, Scottsdale Sixteen replat of Escandido Estates, and Scottsdale Sixteen, Unit 2 subdivisions just east of Scottsdale Road and bounded by Kalil Drive and Cholla Street.

The accomplishment of this lot split and rezoning will complete the development of this group of R1-10 subdivisions, all of which are otherwise built out. The two lots in question are the only vacant lots remaining in the three subdivisions and are completely surrounded on all sides by existing R1-10 houses.

Applicant has joined the Scottsdale Sixteen homeowners association and is currently paying association dues on the properties. Access is obtained through the Sterling Place and Scottsdale Sixteen subdivisions.

This application merely finishes the neighborhood, removes two vacant lots and will be developed in a similar manner to existing lots on all four sides.

There is no known opposition to this application.



William Allen Rezone

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ATTACHMENT #2



Q.S.
30-45

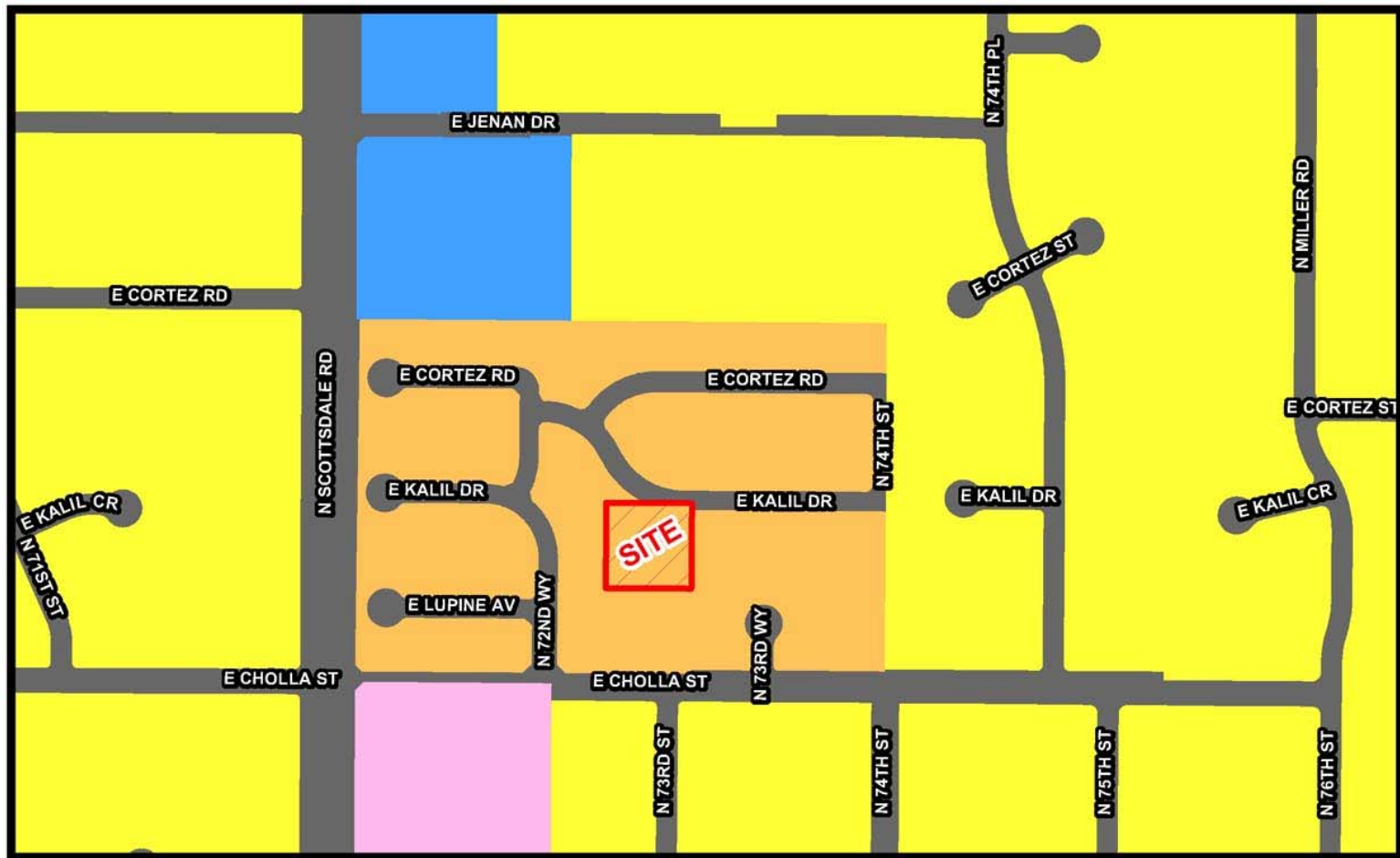
G.I.S. ORTHOPHOTO 2003

William Allen Rezone

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ATTACHMENT #2A

General Plan



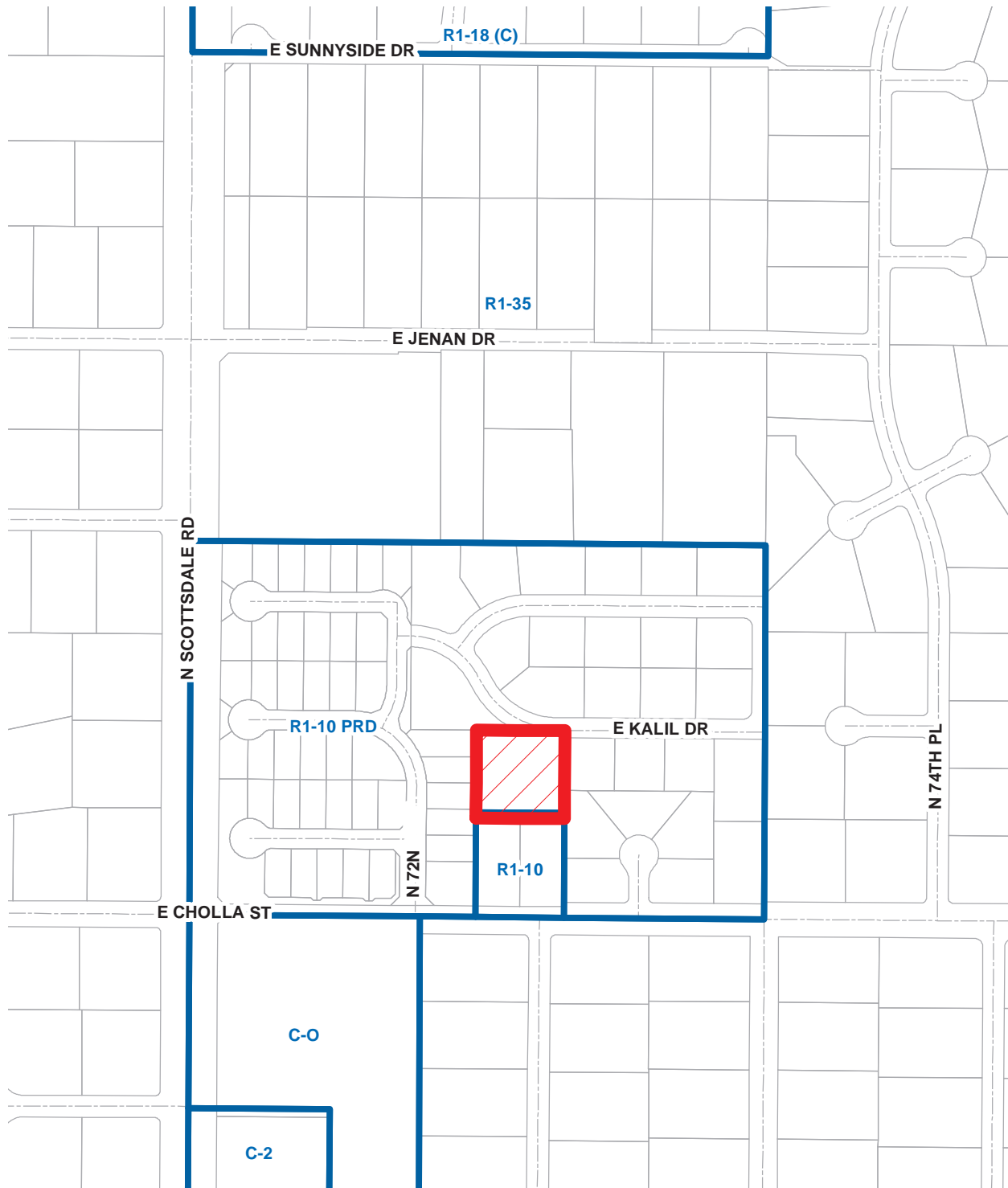
Legend

Streets	Mixed-Use Neighborhoods	Suburban Neighborhoods
Commercial	Natural Open Space	Urban Neighborhoods
Cultural/Institutional or Public	Office	
Developed Open Space	Resorts/Tourism	
Employment	Rural Neighborhoods	



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ATTACHMENT #3



STIPULATIONS FOR CASE 13-ZN-2004

PLANNING/ DEVELOPMENT

1. **MAXIMUM DWELLING UNITS/MAXIMUM DENSITY.** The number of dwelling units on the site shall not exceed two (2) without subsequent public hearings before the Planning Commission and City Council.

CIRCULATION

1. **STREET CONSTRUCTION.** Before issuance of any certificate of occupancy for the site, the developer shall dedicate the following right-of-way as a private tract and construct the following street improvements, in conformance with the Design Standards and Policies Manual:

Street Name/Type	Dedications	Improvements	Notes
Kalil Drive/Private Local Residential Street	Create a tract for a private street that transitions from 25 feet on the west side of the property to 16 feet on the east side of the property to match and tie into the existing street tract dedication.	Construct paving, curb, gutter, and a 5-foot-wide sidewalk to complete the improvements along the property frontage and connect with the existing improvements to the east and the west.	The developer shall create a tract for the private street and convey it to the Scottsdale Sixteen Homeowners Association (HOA). The HOA shall be responsible for maintenance of Kalil Drive.

2. **PRIVATE STREET CONSTRUCTION.** All private streets shall be constructed to full public street standards, except equivalent construction materials or wider cross-sections may be approved by city staff. In addition, all private streets shall conform to the following requirements:
 - a. No internal private streets shall be incorporated into the city's public street system at a future date unless they are constructed, inspected, maintained and approved in conformance with the city's public street standards. Before any lot is sold, the developer shall record a notice satisfactory to city staff indicating that the private streets shall not be maintained by the city.
3. **NOTICE TO PROSPECTIVE BUYERS.** The developer shall provide a note on the final land division map that the development's private streets shall not be maintained by the city.

ADDITIONAL INFORMATION FOR CASE 13-ZN-2004

PLANNING/DEVELOPMENT

1. FINAL LOT LOCATION. The specific location of each lot shall be subject to staff approval by the project coordinator manager.
2. LOT SETBACKS. The front yard setback shall be determined for each lot from the north property line.
3. DRIVEWAY LOCATION. The developer intends to submit a request for a land division in the future to create two lots on the subject property. The driveway locations for the proposed lots will be reviewed and approved with the land division.
4. NATIVE PLANT PRESERVATION. The owner shall secure a native plant permit as defined in the Scottsdale Revised Code for each parcel. City staff will work with the owner to designate the extent of the survey required within large areas of proposed undisturbed open space. Where excess plant material is anticipated, those plants shall be offered to the public at no cost to the owner in accordance with state law and permit procedure or may be offered for sale.

ENGINEERING

1. RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE. The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
2. FEES. The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.
3. STREET CONSTRUCTION STANDARDS. The streets for the site shall be designed and constructed to the standards in the Design Standards and Policies Manual.
4. CITY CONTROL OF ACCESS. The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.

DRAINAGE AND FLOOD CONTROL

1. DRAINAGE REPORT. With the land division request, the developer shall submit a drainage report and plan subject to city staff approval. The drainage report and plan shall conform to the Design Standards and Policies Manual - Drainage Report Preparation standards found in Chapter 2. In addition, the drainage report and plan shall:
 - a. Identify the historical drainage patterns for the subject property for all runoff that enters and exits the site. Provide an exhibit with sufficient contours shown to show drainage patterns.

- b. Identify any special drainage features located on the subject property, including any washes, pipes, culverts, swales, channels, areas of ponding, etc.
- c. Calculate the peak discharge (100-yr, 6-hr storm event) for a pre- versus post-development comparison of all discharges that enter and exit the subject property.
- d. Demonstrate how runoff from each of the proposed lots will be handled, and clarify that there will be no adverse conditions created for adjacent properties with the disposal of the runoff.
- e. Clarify if stormwater storage has been provided within the adjacent Scottsdale Sixteen subdivision, and explain how the grading and drainage designs for the proposed lots conform with those of the subdivision.
- f. Include flood zone information to establish the basis for determining lowest floor elevations in conformance with Section 37-42(6) of the Scottsdale Revised Code.

WATER

1. WATER FACILITIES. There is an existing public water line located within the Kalil Drive tract that is available to serve the proposed development. The developer shall provide all water services necessary to serve the site.
2. WATERLINE EASEMENTS. Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code the Design Standards and Policies Manual, all water easements necessary to serve the site.

WASTEWATER

1. WASTEWATER FACILITIES. There is an existing public sewer located within the Kalil Drive tract that is available to serve the proposed development. The developer shall provide all sanitary sewer services necessary to serve the site.
2. SANITARY SEWER EASEMENTS. Before the issuance of any building permit for the site, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the Design Standards and Policies Manual, all sewer easements necessary to serve the site.

OTHER REQUIREMENTS

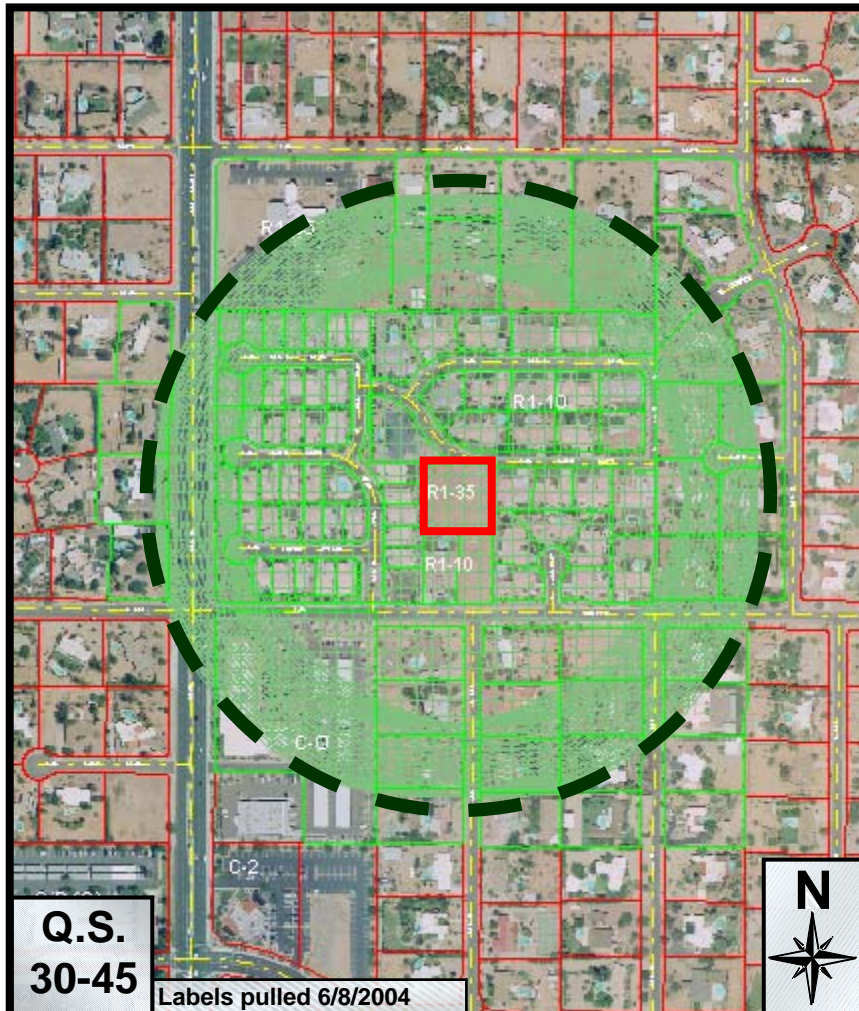
1. SECTION 404 PERMITS. The developer intends to submit a request for a land division in the future to create two lots on the subject property. If the land division is approved, the developer shall submit grading and drainage plans for the proposed single family homes to the Planning and Development Services Department. With this submittal, the developer' engineer must certify that it complies with, or is exempt from, Section 404 of the Clean Water Act of the United States. [Section 404 regulates the discharge of dredged or fill material into a wetland, lake, (including dry lakes), river, stream (including intermittent streams, ephemeral washes, and arroyos), or other waters of the United States.]
2. DUST CONTROL PERMITS. Before commencing grading on sites 1/10 acre or larger, the developer shall have obtained a Dust Control Permit (earth moving equipment permit) from Maricopa County Division of Air Pollution Control. Call the county 602-507-6727 for fees and application information.

**William Allen Rezone
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Attachment #7. Citizen Involvement

The above attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

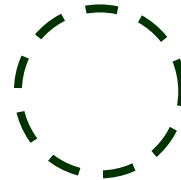
City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- Interested Parties
- Coalition of Pinnacle Peak
- Adjacent HOAs

William Allen Rezone

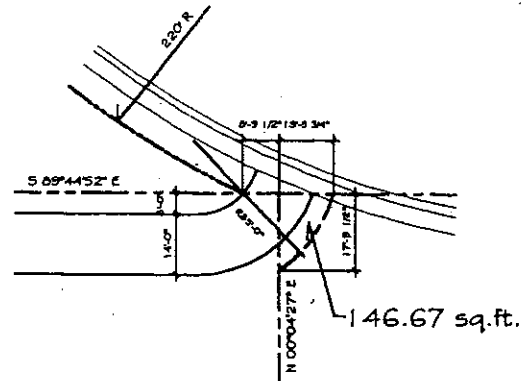
13-ZN-2004

ATTACHMENT #8

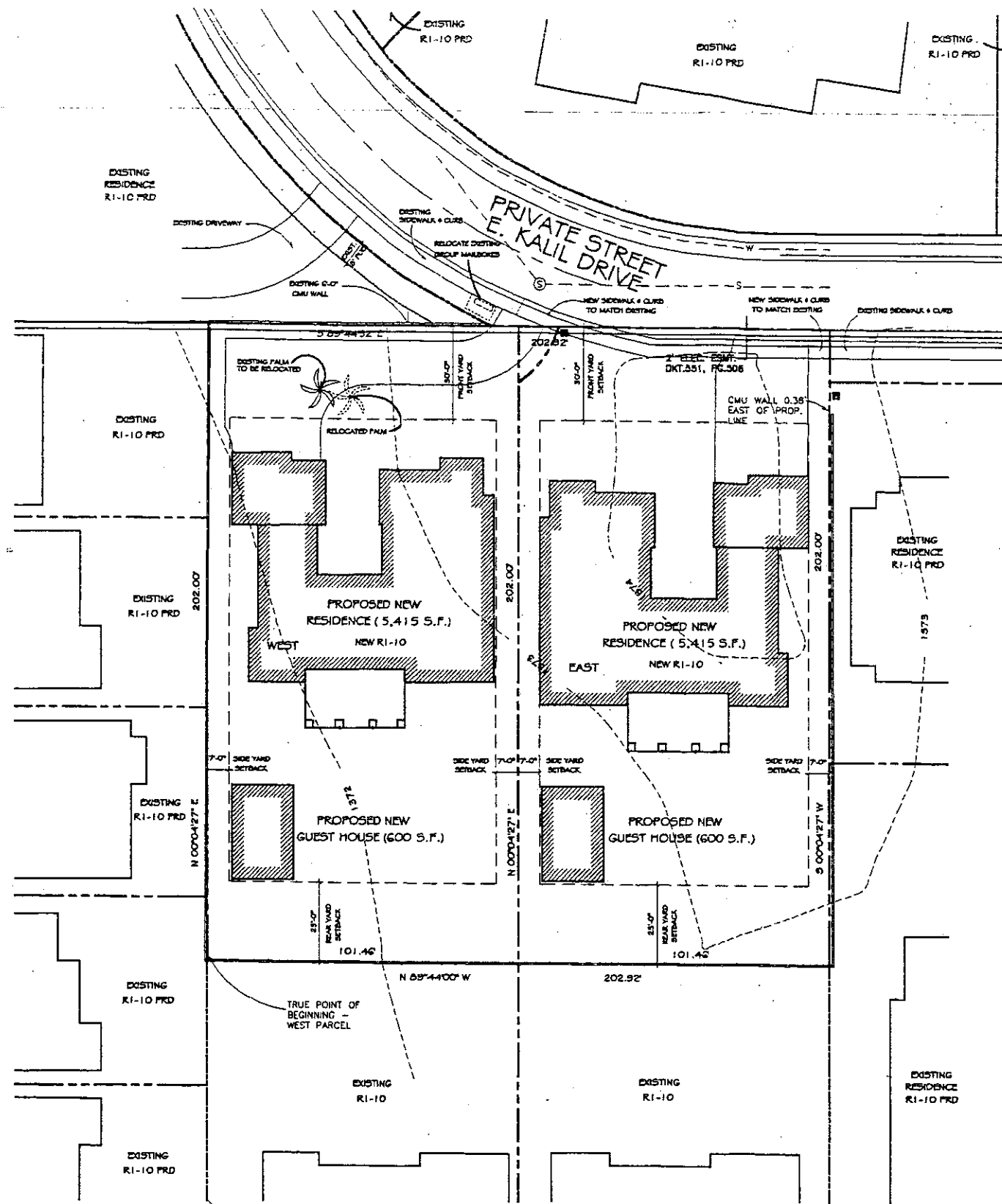
LEGEND:

--- PROPERTY LINE
--- CENTER LINE
--- SETBACK LINE

- BRASS CAP IN HAND HOLE
- TELEPHONE RISER
- CABLE TELEVISION RISER
- ELECTRIC TRANSFORMER
- POWER POLE
- WATER METER
- SANITARY SEWER MANHOLE
- AREA LIGHT
- TREE
- PALM TREE



DETAIL @ DRIVEWAY



SITE PLAN

1" = 20' - 0"



LEGAL DESCRIPTION:

ORIGINAL PARCEL (TO BE SPLIT)

THE EASTERLY 202.92' OF THAT PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DEED THE SOUTH 227.00', DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF SAID SW 1/4 OF THE NW 1/4 OF SECTION 23; THENCE NORTH 423.18' ALONG THE WESTERLY LINE OF THE SAID SW 1/4 OF THE NW 1/4 OF SECTION 23; THENCE S 89°44'52" E ALONG THE SOUTHERLY LINE AND THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF LOT 7, ESCROWED ESTATES, ACCORDING TO BOOK 87 OF MAPS, PAGE 32, RECORDS OF MARICOPA COUNTY, ARIZONA, DISTANCE OF 261.12' TO THE NW CORNER OF THAT CERTAIN PARCEL DESCRIBED IN DOCKET 9366, PAGE 399; THENCE S 00°04'27" W, 429.30' ALONG THE WESTERLY LINE OF THE SAID PARCEL DESCRIBED IN DOCKET 9366, PAGE 399, TO A POINT ON THE SOUTHERLY LINE OF THE SAID SW 1/4 OF THE NW 1/4 OF SECTION 23, THIS POINT BEARING N 89°44'10" W, 450.70' FROM THE SE CORNER OF SAID SW 1/4 OF THE NW 1/4 OF SECTION 23; THENCE N 89°44'10" W, ALONG THE SOUTHERLY LINE OF THE SAID SW 1/4 OF THE NW 1/4 OF SECTION 23, A DISTANCE OF 260.50' TO THE TRUE POINT OF BEGINNING.

AREA: 40,990.08 S.F. (0.941 AC)

WEST PARCEL

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 23, THENCE SOUTH 89 DEGREES 44 MINUTES 00 SECONDS EAST ALONG THE CENTERLINE OF SAID SECTION 23 A DISTANCE OF 657.64 FEET;

THENCE NORTH 00 DEGREES 04 MINUTES 27 SECONDS EAST A DISTANCE OF 227.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 04 MINUTES 27 SECONDS EAST A DISTANCE OF 202.00 FEET;

THENCE SOUTH 89 DEGREES 44 MINUTES 00 SECONDS EAST A DISTANCE OF 101.46 FEET;

THENCE SOUTH 00 DEGREES 04 MINUTES 27 SECONDS WEST A DISTANCE OF 202.00 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 00 SECONDS WEST A DISTANCE OF 101.46 FEET TO THE TRUE POINT OF BEGINNING.

AREA: 20,495.04 S.F. (0.470 AC)

EAST PARCEL

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 23, THENCE SOUTH 89 DEGREES 44 MINUTES 00 SECONDS EAST ALONG THE CENTERLINE OF SAID SECTION 23 A DISTANCE OF 657.64 FEET;

THENCE NORTH 00 DEGREES 04 MINUTES 27 SECONDS EAST A DISTANCE OF 429.00 FEET;

THENCE SOUTH 89 DEGREES 44 MINUTES 00 SECONDS EAST A DISTANCE OF 101.46 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 44 MINUTES 00 SECONDS EAST A DISTANCE OF 101.46 FEET;

THENCE SOUTH 00 DEGREES 04 MINUTES 27 SECONDS WEST A DISTANCE OF 202.00 FEET;

THENCE NORTH 89 DEGREES 44 MINUTES 00 SECONDS WEST A DISTANCE OF 101.46 FEET;

THENCE NORTH 00 DEGREES 04 MINUTES 27 SECONDS EAST A DISTANCE OF 202.00 FEET TO THE TRUE POINT OF BEGINNING;

AREA: 20,495.04 S.F. (0.470 AC)

LOT SPLIT FOR:

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN MARICOPA COUNTY, ARIZONA.

PROJECT DATA:

LOCATION: S.W. 1/4 OF N.W. 1/4 OF SECTION 23, T3N, R4E, SCOTTSDALE, ARIZONA
OWNER: WILLIAM C. ALLEN PROPERTIES
13175 N. 85th PLACE
SCOTTSDALE, AZ 85260
ZONING: R1-35 (CURRENT)
R1-10 (PROPOSED CHANGE)
SITE AREA: 40,990.08 S.F. (0.94 AC) CURRENT
SPLIT WEST - 20,495.04 S.F. (0.47 AC)
SPLIT EAST - 20,495.04 S.F. (0.47 AC)
PROPOSED SPLIT WEST - 6,015/20,495.04 S.F. = 29.3%
LOT COVERAGE: SPLIT EAST - 6,015/20,495.04 S.F. = 29.3%

REFERENCE:

FIDELITY NATIONAL TITLE INSURANCE COMPANY
ORDER NUMBER: 200015356
DATE: OCTOBER 31, 2000

SCHEDULE OF ITEMS:

- THE SITE IS SUBJECT TO THE REGULATIONS, CONDITIONS AND RESTRICTIONS GOVERNING THE USE OF GROUND WATER PURSUANT TO ARIZONA REVISED STATUTES 45-010 ET. SEQ.
- THE EASEMENT RECORDED IN DOCKET 551, PAGE 506 FOR ELECTRIC LINES AND POLES AND GAS MAINS AFFECTS THE SITE AND IS SHOWN HEREON.
- THE SITE IS SUBJECT TO ANY OBLIGATIONS IMPOSED UPON THE SITE BY ITS INCLUSION WITHIN THE SCOTTSDALE SIKTEN COMMUNITY ASSOCIATION.
- THE SITE IS SUBJECT TO THE ROAD ABANDONMENT AND EASEMENT AGREEMENT RECORDED IN DOCUMENT NO. 96-0563050.
- THE SITE IS SUBJECT TO A BLANKET EASEMENT FOR INGRESS-EGRESS FOR THE REPLACEMENT, REPAIR AND MAINTENANCE OF UTILITIES FOR DOCUMENT NOS. 92-0136767, 94-024768 AND 97-027729.
- THE SITE IS SUBJECT TO THE EASEMENT FOR INGRESS AND EGRESS IN FAVOR OF ADJACENT PROPERTIES PER DOCUMENT NO. 97-0266901.

BASES OF BEARING:

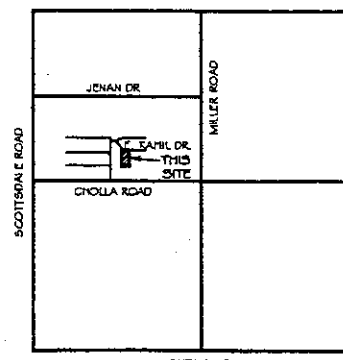
SCOTTSDALE ROAD - NORTH
PER PLAT BOOK 349, PAGE 3

FLOOD PLAIN STATEMENT

SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE BY DESIGNATION BY THE SECRETARY OF HOUSING & URBAN DEVELOPMENT ON FLOOD INSURANCE RATE MAP NO. 04013C1 6550 WITH DATE IDENTIFICATION OF APRIL 15, 1988 FOR COMMUNITY # 048012 IN MARICOPA COUNTY, STATE OF ARIZONA.

CASE # 20-PA-2001

(480) 949-0204 FAX: (480) 949-6690 7534 E. First Street Suite 100 Scottsdale, Arizona 85251		
A NEW LOT SPLIT FOR WILLIAM C. ALLEN PROPERTIES S.W. 1/4 OF N.W. 1/4 OF SEC 23, T3N, R4E SCOTTSDALE, ARIZONA		
Copyright © 2004 by Art & Space Architects, Ltd.		
date: 03-15-2004 drawn by: checked by: drawing name: SITE PLAN job no.	revisions: 1 _____ 2 _____ 3 _____ 4 _____ 5 _____	



VICINITY MAP

N.T.S.